

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIA L. HUMPHREY,

Defendant.

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CASE NO. 8:12CR65

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report ("PSR") and the parties' objections thereto (Filing Nos. 42, 45). The Defendant has filed a motion for variance (Filing No. 43). See "Order on Sentencing Schedule," ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The parties object to the quantity of controlled substance and base offense level attributed to the Defendant in ¶¶ 27 and 34. The plea agreement recommends a base offense level of 24 based on a quantity of at least 80 but less than 100 kilograms of marijuana. The Court's tentative findings are that, absent unusual circumstances, the plea agreement should be upheld and the base offense level should be calculated as level 24.

IT IS ORDERED:

1. The Court's tentative findings are that the parties' objections (Filing Nos. 42, 45) to the PSR are granted;
2. The parties are notified that my tentative findings are that the PSR is correct in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall file, as soon as possible but in any event before sentencing, and serve upon opposing counsel

and the court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this order, my tentative findings may become final;

5. Unless otherwise ordered, any motion challenging these tentative findings will be resolved at sentencing; and

6. The Defendant's motion for variance (Filing No. 43) will be heard at sentencing.

DATED this 20th day of August, 2012.

BY THE COURT:

S/ Laurie Smith Camp
Chief United States District Judge